

Annual Report Dutch Electoral Council 2010

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Preface

An advisory board reports annually on its activities in the preceding calendar year before 1 April. We are pleased to present the Electoral Council's annual report.

Several elections were held in 2010:

- 3 March: municipal elections;
- 9 June: elections to the House of Representatives;
- 24 November: municipal elections following a redivision in 19 municipalities and postponed regular municipal elections in 10 municipalities;
- November: water board elections in the province of Zeeland (Scheldestromen Water Board).

The municipal elections did not proceed flawlessly everywhere. The return to manual counting of ballot papers produced delays in the presentation of the election results. A recount of the votes took place in a number of municipalities. Fewer problems occurred in the elections to the House of Representatives and the municipal elections following a redivision and postponed regular municipal elections held in autumn. The municipalities and the Ministry of the Interior and Kingdom Relations have contributed to this with their commitment to the selection, training and instruction of polling officials.

In 2010, amendments were made to the Elections Act, for instance the amendment in relation to the new constitutional position of Bonaire, Saint Eustatius and Saba within the Netherlands and the statutory regulations concerning the elections to the Senate. Ever since the latest general revision of the Elections Act in 1989, the Act has been amended many times. These amendments show that the Elections Act is alive and well. However, repeatedly introducing changes to details of the Elections Act also has drawbacks, in particular concerning the interrelationship of the provisions. That is why the Electoral Board recommends scrutinizing the Elections Act in its totality, focussing on matters such as the comprehensibility of the Act, its robustness and the desirable degree of detail. In respect of this latter point, the Raad van State (*Council of State*) notes in its April 2010 advice concerning the legislative proposal for the structure of the electoral process that 'the subject and the tenor of the way in which the exercise of the right to vote is given shape, is not compatible with excessive delegation'. This view is confirmed by the Electoral Council in its 4 November 2008 advice.

Several authorities urged to modernize the Elections Act in the past year. The first to do so in 2010, was the Rotterdam Committee for the Examination of Credentials. It gave an account of the Rotterdam recount of the votes in its 17 March 2010 report. Subsequently, the VNG (*Association of Netherlands municipalities*), the NVVB (*Dutch Association for Civil Affairs*) and the Raad van State gave similar signals. If the government tackles the modernization of the Elections Act in a timely manner, it should be possible to achieve this even before the next regular elections to the House of Representatives in 2015.

H.R.B.M. Kummeling,
Chairman of the Electoral Council



1 Introduction: 2010 in outline

2010: a busy election year

Because the government fell in 2010, there were not only municipal elections, but also elections to the House of Representatives. The red pencil was used again in the municipal elections. It is noteworthy that in these elections several municipalities decided to recount the votes. This decision was often based on (alleged) irregularities in the polling station on election day, such as admitting two voters in a polling booth and doubts about the results. The Elections Act criterion that a recount is only justified if the errors in the count are such as to influence the distribution of seats, was of minor importance in the decision, sometimes. The experiences from the municipal elections have resulted in a stronger focus on the instruction of polling officials and on information for the voters in the run-up to the elections to the House of Representatives. This contributed to the House of Representatives elections proceeding in a more orderly manner.

Problems for voters living abroad recurred in the House of Representatives elections. This has prompted the Electoral Council to make proposals that could substantially simplify voting. The Council advocates, among other things, to make once-only electronic registration, by e-mail or by facsimile, possible.

Guaranteeing the secrecy of the vote also received a good deal of attention. The Electoral Council thinks it is important for the polling officials to have a clear view of the polling booths and opts for a different layout of the polling booths, instead of allowing curtains. The Council thinks that there can be no objections against young children accompanying voters. It is important that voting behaviour is not inappropriately influenced. The Council assumes that the polling stations handle this wisely in actual practice.

The minister of the Interior and Kingdom Relations has indicated that he will seek a solution for both topics referred to above, and he will take account of the Electoral Council's advice.

After both elections, the demand from people in the field for voting machines or electronic tools for counting the votes has become louder. The minister of the Interior and Kingdom Relations has indicated that he will explore the possibilities of electronic tools for counting and study the design of the ballot paper.

The islands of the country Netherlands Antilles obtained a new constitutional position in October. The islands of Bonaire, Saint Eustatius and Saba joined the Netherlands. These islands had the first island council elections based on the Dutch Elections Act in March 2011. These elections are much comparable to municipal elections. Dutch inhabitants of these islands also have the right to vote in the next elections to the House of Representatives. After the planned constitutional amendment, the members of the island councils will be able to join in voting in the Senate election; this will not yet be possible in the Senate elections in May 2011.

Advice given

The Electoral Council gave seven advices in 2010 (*see Chapter 4*). For the first time, advice was given simultaneously with the Rob (*Council for Public Administration*). It concerned municipal redivisions. The Council also declined to give advice once, because the topic of the request for advice, i.e. the amendment of two statutes in relation to direct payment of fees to political office holders¹, did not concern election law or elections directly.

Funding of political parties

Legislation for the supervision of the funding of political parties was to be submitted in 2010. However, partly owing to the fall of the government, this was not effected. A private member's bill concerning publication of donations to political parties was announced, but not submitted. It is still unclear what this means for the government's plans as they are included in the draft bill on funding of political parties, in which a supervisory role for the Electoral Council was envisioned.

Changes to the Elections Act

The discussion about a number of changes to the system of the elections to the Senate was finalized in 2010. Parts of the Elections Act were amended. The number of votes required to be elected by preferential vote was increased from 50% to 100% of the electoral quota. It is no longer possible for political groupings to form a combined list. The vote now takes place simultaneously in all provinces, i.e. at 3.00 p.m.

Structure of the electoral process

The structure of the electoral process has been receiving political attention since the autumn of 2006. In 2008, this resulted, among other things, in the draft bill on the structure of the electoral process, which focussed on the right to vote. After critical advice from e.g. the Council of State and the Electoral Council, it became publicly known at the end of 2010 that this draft legislative proposal will not be submitted to the House of Representatives. The minister of the Interior and Kingdom Relations has announced that a number of proposals from the bill will be included in a partial amendment to the Elections Act.

In response to a request for advice from the then State Secretary for the Interior and Kingdom Relations in the summer of 2010, the Electoral Council gave advice on the right to stand for election in January 2011. In its advice, the Electoral Council expressed its preference for an overall review of the Elections Act.

Electoral Council as a knowledge and information centre

In 2010, the Electoral Council exchanged knowledge and provided information about elections and the right to vote, both on a national and international level (*see Chapter 9*). The Electoral Council attaches importance to contacts with parties and authorities involved, and in its advices frequently uses information it obtained. A new initiative in this respect is the organisation of regional instruction meetings in cooperation with the Ministry of the Interior and Kingdom Relations in the run-up to the elections.

The need for information felt by citizens, political groupings, municipalities, provinces and the media has also increased this year, as appears from the number of contacts of the Elections information centre and the number of visitors to the Electoral Council's website (*see Chapter 8*). On the Electoral Council's website, the election results database can be used since the spring of 2010 to consult and compare election results, in principle starting from the year 1848.

Greater autonomy for the Electoral Council (secretariat)

Important steps in giving the secretariat a greater autonomy were made in 2010. The new positioning will be effected by the signing of a Mandate and authority decision and a Management order. Thus, the Electoral Council also strengthens its independence in the field of management (*see Chapter 3*).



2 Tasks and composition of the Electoral Council

Tasks of the Electoral Council

Section A 1 of the Elections Act provides for the establishment of the Electoral Council.

There is an Electoral Council, located in The Hague.

Section A 2 of the Elections Act provides for the Council's task and composition.

1. The Electoral Council has the task to advise the government and both Houses of the States General on implementation matters concerning the right to vote or the elections.
2. The Electoral Council shall also act as central electoral committee in the cases in which the law prescribes this.
3. The Electoral Council shall consist of seven members.

In addition to the tasks mentioned in the Elections Act, the Council advises on suits concerning the Elections Act (*see Chapter 7*) and it informs citizens, political parties, municipalities, media and other parties (*see Chapter 8*).

Composition of the Electoral Council

The Electoral Council consists of seven members. These members are appointed by Royal Decree for a four-year period and can be reappointed twice. They are appointed on the basis of the expertise required for providing advice in the area of electoral law and elections and on the basis of their knowledge of and experience in society. The Electoral Council members are supported in their activities by a secretariat.

The Electoral Council had the following composition in 2010:

Chairman: Prof. H.R.B.M. Kummeling
Members: G.J. Schutte (also vice-chairman)
Ms G.M.M. Blokdijk-Hauwert
Prof. M.H. Leyenaar
Ms A.G. van Dijk
W.M.B. Stoker
A.J. te Veldhuis

By Royal Decree of 30 March 2010, Ms Van Dijk was appointed a member of the Electoral Council for a four-year period as from 1 April 2010. She fills the vacancy that arose on 1 January 2010 by Mr R.T.B. Heemskerk's leave.

The vacancy of secretary-director, which arose by the departure of Ms J. Schipper-Spanninga on 1 November 2009, was taken care of by the deputy secretary-director Ms R. Hoorweg until 1 February 2010. As from 1 February 2010, the vacancy has been filled by the appointment of Mr M. Bakker.



3 Organisation and working procedure of the Electoral Council (secretariat)

Organisation and staffing of the secretariat

The Electoral Council's secretariat supports the Council in its activities and it is managed by a secretary-director. The Electoral Council's secretariat has a permanent staff of twelve full-time equivalents. This amount of staff is increased during election periods owing to the establishment of an Elections Information Centre, a joint initiative of the Ministry of the Interior and Kingdom Relations and the Electoral Council. An Elections Information Centre was also established in 2010, both for the municipal elections and for the elections to the House of Representatives.

Meetings of the Electoral Council

The Electoral Council met fourteen times in 2010, twice in its capacity as central electoral committee for the election of the members of the House of Representatives. There were also other meetings in which the Electoral Council was Represented, such as the consultation with the Parliamentary Standing Committee on Home Affairs, the Committee on the Examination of Credentials and international meetings.

Scientific Advisory Council

The Electoral Council established a Scientific Advisory Council in 2008. The Scientific Advisory Council advises the Electoral Council on research programmes and supervises and assesses them.

The Scientific Advisory Council has the following composition:

Chairman: W. Voermans, professor of Constitutional and Administrative law, Leiden University
Members: H. van der Kolk, university lecturer and researcher in Political Science, Twente University
J. van Merriënboer, historian, employed at the Centre for Parliamentary History
Secretary: R. de Jong, Electoral Council researcher, historian

The members and the secretary worked on the creation of the election atlas in 2010. This atlas provides a historic overview of voter turnout, franchise, electoral system and the rise of political parties. The atlas will be published in June 2011.

In 2010, Bastian Michel, a student of law and mathematics at the Universities of Amsterdam and of Utrecht, conducted research for the Electoral Council into the functioning of electoral districts.

More autonomy

In 2008, an autonomy project was started in order to reposition the Electoral Council secretariat in relation to the Ministry of the Interior and Kingdom Relations and to create in this way maximum independence for the Electoral Council. At the end of 2010, the then State Secretary for the Interior and Kingdom Relations, Ms A.Th.B. Bijleveld-Schouten, decided not to implement the plan to assign legal personality to the Electoral Council and its secretariat. In particular, the financial consequences that had been charted were too large. The decision by the State Secretary met with the Electoral Council's approval. The Electoral Council secretariat remains an organizational part of the Ministry of the Interior and Kingdom Relations and the secretariat staff remain formally employed by the Ministry. However, in agreement with the Council's wishes, a more independent position of the Council's secretariat within the Ministry was opted for by strengthening the management role of the Electoral Council in respect of its own secretariat, effective as from 1 January 2011.

Quality procedure

In 2010, the Electoral Council secretariat took several actions to further improve the services both to the Electoral Council and to third parties.

The website² was improved, among other things by including a section with answers to frequently asked questions. The Council's entire archive was digitized. The advices published on the website were made searchable. The digital database with election results³ deserves special mention. This database includes all election results starting from 1848 and the European parliament election results starting from 1979. The election results can be retrieved as a table or a map and can be compared to each other. In 2010, a start was made with entering the results of municipal, provincial council and Upper House elections into the database.

External contacts

The Electoral Council and its secretariat have many external contacts, both on a national and an international level.

Periodical consultations are held with the government member that is responsible for franchise matters at the Ministry of the Interior and Kingdom Relations, with civil servants of that ministry, with the VNG (*Association of Netherlands municipalities*) and with the NVVB (*Dutch Association for Civil Affairs*).

Consultations with two House of Representatives committees were held in 2010. On 22 April, a meeting was held with the Committee on the Examination of Credentials, and consultations with the Parliamentary Standing Committee on Home Affairs were held on 7 December. This latter meeting was partly held as a response to the advice that the Electoral Council issued in September 2010 in connection with the municipal elections and the elections to the House of Representatives.

Administrative consultations about the possibility of changing the structure of water board elections in the Netherlands were held in 2010 with representatives of the Association of Water Boards and the Ministry of Infrastructure and the Environment.

To prepare the 2010 elections, the Electoral Council secretariat contributed to the information meetings for municipalities organised by the Ministry of the Interior and Kingdom Relations in 2010. The secretariat also contributed to the instruction meetings for municipalities and political parties on OSV (*election supporting software*).

On 9 September 2010, at the secretariat's initiative, a meeting was held with representatives of the 19 municipalities where the principal electoral committees are situated, in which meeting the committees' experiences with the municipal elections and the elections to the House of Representative were discussed.

There were also many international contacts in 2010 (*see Chapter 9*). There were contacts with sister organizations the whole year round, and the Council's international network was used for making enquiries for advice to be given by the Council. The Electoral Council attaches great value to having and maintaining both national and international contacts. The knowledge and information that are exchanged during meetings, contribute to the Electoral Council's advisory role and expertise function.

2 Electoral Council website: www.kiesraad.nl

3 The election results database can be accessed through www.kiesraad.nl or through www.verkiezingsuitslagen.nl.



4 The Electoral Council as an advisory body

The Electoral Council is an advisory body for the government and parliament in respect of the right to vote and the organisation and performance of elections.

The Electoral Council gave the following formal advices in 2010⁴.

At the request of the then State Secretary for the Interior and Kingdom Relations:

1. Amendment to the Elections Act in respect of the possibility to form combined lists for the elections to the Senate (18 March 2010).
2. Elections due to a redivision in connection with the term of office of municipal councils (1 April 2010).
3. Amendment to the Elections Decree in connection with the introduction of the submission of lists of candidates to the central electoral committee for the elections to the Senate (26 August 2010).
4. Models in connection with the new position of Bonaire, Saint Eustatius and Saba (20 September 2010).
5. Models in connection with the Senate elections bill (2010).

Spontaneous (evaluation) advice:

6. In connection with the municipal elections and the elections to the Senate (22 September 2010).

At the request of the State Secretary for Infrastructure and the Environment:

7. Extension of the term of office of water board members (16 December 2010).

The Advisory Bodies Framework Act⁵ includes the provision that the minister shall inform both Houses of the States General, within three months of receipt, about his view on advice requested by him and provided in time. In actual practice, this term is not always kept.

This chapter gives summaries of the several advices. Any reactions are also mentioned.

1. Amendment to the Elections Act in respect of the possibility to form combined lists for the elections to the Senate (18 March 2010)

The Electoral Council has given advice on an amendment to the Elections Act, including a proposal for another setup of the option to form combined lists for the elections to the Senate.⁶ The Senate is elected by members of the provincial councils. The essence of the proposed regulation was to withdraw the opportunity for political parties to form a combined list with another party. Based on the results of the elections to the provincial councils, parties would up until then easily be able to calculate if – and to what extent – forming a combined list for the Senate elections yield an extra remaining seat. The Electoral Council shares the State Secretary's view that this should not be possible. However, the Council holds the view that the proposed regulation is unnecessarily complicated and that it does not follow the Elections Act system. That is why the Council proposes a simpler alternative: any statement concerning the combination of lists must be submitted before the provincial councils elections and will be decided on by the Electoral Council after these elections.

The Council of State held that any arrangement whereby the nomination of candidates for the Senate is brought forward to an earlier date, or whereby groupings make binding statements in respect of combinations of lists before the elections to the provincial councils are held, is contrary to Section 55 of the Constitution, and advised against the proposal.⁷

4 Advice given by the Electoral Council can be accessed through the website www.kiesraad.nl.

5 Section 24.

6 Parliamentary Papers II, 2009/10, 32 191.

7 Council of State advice, dated 7 April 2010, no. W04.10.0037/l, p.2.

The cabinet took over this conclusion from the Council of State. Because the objections also apply to an arrangement whereby the candidates for the provincial councils are allowed to arrange for the nomination of candidates and the combination of lists, the only remaining option was selected eventually, i.e. a ban on combined lists for the elections to the Senate.

2. Elections due to a redivision in connection with the term of office of municipal councils (1 April 2010)

In December 2009, the State Secretary for the Interior and Kingdom Relations requested the Council for Public Administration and the Electoral Council to advise jointly on the subject of elections following a redivision election in municipalities in connection with the term of office of municipal councils. Because the two councils have different tasks, they decided not to respond jointly but separately to the request. The Electoral Council's advice focuses on the question as to the maximum extension of the term of office of a municipal council and on the implementation aspects of electoral law, for instance the question as to whether a political party has sufficient people on the list of candidates in order to be able to fill a vacancy after a longer period. The Council for Public Administration's advice⁸ deals with the continuity of local administration and the merger process of official and administrative organisations. The Electoral Council's advice remarks that the normal rhythm, by which municipal elections are held once every four years, is broken in the case of municipal redivisions. In particular when these take place after a municipal council has sat for half a term of office, no fewer than three municipal elections are held locally in a four-year period. This can be prevented by 'stretching' a municipal council's term of office, although the question remains to what extent. It is acceptable for the Municipal Council that the term of office, in the case of municipal redivision halfway through a term of office, is extended to at most six years and three months. This concerns the period from 1 January in the year of redivision until March of the year in which, after having skipped a regular election, the regular municipal elections are followed again. The Electoral Council cannot see any implementation objections against this. The Electoral Council, in its advice, also notes that it may come back to the question of more flexible municipal elections in the future. Consideration could be given to an arrangement by which municipalities are allowed to dissolve prematurely in certain situations and to call elections. No response to this advice was received from the Minister as yet.

3. Amendment to the Elections Decree in connection with the introduction of the submission of lists of candidates to the central electoral committee for the elections to the Senate (26 August 2010)

In its advice, the Electoral Council deals with a proposal to amend the Elections Decree in connection with the introduction of the submission of lists of candidates to the central electoral committee for the elections to the Senate. The amendment provides where and when the forms for the lists of candidates and the various statements to be signed should be available. It is a practical elaboration of the regulation to submit the nomination of candidates to the central electoral committee instead of to the province, in accordance with a previous advice by the Electoral Council.⁹

The Council is in favour of this amendment. In addition, the Council advises to regulate in the Elections Decree that the forms referred to shall also be available at the central electoral committee. In order to make the rules unequivocal, the provision that these forms shall be available at the central electoral committee was eventually included in the 18 November 2010 Decree amending the Elections Decree¹⁰ (because the submission of the forms also takes place there). Incidentally, it is still possible for the provincial registries to offer these documents.

4 & 5. Models in connection with the new constitutional position of Bonaire, Saint Eustatius and Saba (20 September 2010) and models in connection with the Senate elections bill (2010)

The Electoral Council has given two advices for the amendment to the models pertaining to the Elections Act and the Elections Decree. The models scheme needs to be modified, on the one hand in relation to the new constitutional position of Bonaire, Saint Eustatius and Saba within the Netherlands. On the other hand, modification is required on account of the amendments to the Elections Act in

8 Council for Public Administration advice about elections following a redivision in combination with the term of office of municipal councils, dated 1 April 2010, to be consulted through www.rfv.nl.

9 Electoral Council advice dated 15 July 2009, 'Amendment to Elections Act in connection to the Senate elections', to be consulted through www.kiesraad.nl.

10 Bulletin of Acts and Decrees 210, no. 791.

respect of the Senate. This concerns the planned increase of the preference threshold, the restriction of forming combined lists and the determination of the date for the elections to the Senate.

The modifications are motive for the Electoral Council to comment on several points, but the Electoral Council observes that in general the models proposed at present have been adjusted adequately to legislative amendments. The Electoral Council's advices have largely been followed in the establishment of the new models.

6. Evaluation advice in connection with the municipal elections and the elections to the House of Representatives (22 September 2010)

As is usual, the Electoral Council has advised on the proceedings of the municipal elections and the elections to the House of Representatives held in 2010. The Electoral Council believes that both elections have generally proceeded well. However, with a view to the future, the Council does make suggestions for improving the electoral process. These concern matters such as the secrecy of the vote, the right to vote for Netherlands nationals abroad, the use of electronic resources for counting, voting machines and changing the election dates in 2014 and 2015.

Secrecy of the vote

The secrecy of the vote is an essential aspect of the voting process. Voters express doubts about the way it is safeguarded. Sometimes they feel 'spied on from behind' by other voters when they are voting. The size of the ballot papers also plays a role in this. The Electoral Council does not favour introducing curtains in polling booths because that would make it impossible for the polling station to fulfil its responsibility for proper proceedings in the polling station, including the polling booths. The Electoral Council believes that the section in the Elections act providing that the entrance must be visible to the public, be deleted. Furthermore, the Electoral Council has no objections to voters being accompanied by young children when voting. It is important that voting behaviour is not inappropriately influenced. The Electoral Council assumes that the polling stations handle this wisely in actual practice.

The right to vote for Netherlands nationals abroad

In its advice, the Electoral Council has included proposals that make it substantially simpler for Dutch nationals abroad to vote. The Council advocates, among other things, making electronic registration by e-mail or by facsimile possible, and if desired, once-only. In the present situation, this has to be done in writing, by mail and has to be repeated for every election. Errors in this procedure are not infrequent. The Electoral Council is a proponent of abolishing the procedure by which ballot papers are sent by post to voters abroad and proposes to make it possible to download the ballot papers from the website of the municipality of The Hague. In this context, the Electoral Council desires a new design of the ballot paper. The Council also proposes that Netherlands nationals abroad are enabled to vote in other ways than with a red pencil. It hopes that this will result in fewer votes being declared invalid.

Electronic resources for counting

In its advice, the Electoral Council advocates the speedy introduction of electronic resources (scanning devices) for counting the votes. This will appreciably lighten the duties of polling officials and counters, according to the Council.

Electronic voting machines

In its advice, the Electoral Council requests that requirements for electronic voting machines be formulated shortly. These machines were abolished a few years ago because the government and parliament believed that some safeguards for a proper and sound voting process were no longer complied with, such as the secrecy of the vote, transparency and verifiability. The Council holds the view that these safeguards should be the assessment framework for any reintroduction of electronic voting machines in our country.

Dates for the next municipal elections and the elections to the House of Representatives

In its advice, the Electoral Council has requested the minister to investigate whether, as regards to the 2014 municipal elections, the voting date could be postponed by one week because otherwise that date would be 5 March 2014, Ash Wednesday, the day after carnival. The Council pointed out that this requires an amendment to the law, as Section F1 of the Elections Act only provides for the possibility to fix the day for nomination of the candidates at an earlier date (and in doing so, also the voting date).

The voting date for the 2015 elections to the House of Representatives has been scheduled for 13 May, the day before Ascension Day. The day for nomination of candidates has been scheduled for 31 March, preceding Good Friday and Easter. The Electoral Council has advised to fix both these days at an earlier date.

The advice also pays attention to matters such as proxy voting and the recounting process.

Response of the minister to the advice

The Minister of the Interior and Kingdom Relations sets out the government's response to this Electoral Council advice in the enclosure to the 8 November 2010 letter¹¹ to the chairman of the House of Representatives.

The Minister notes about the secrecy of the vote that the government considers it important that the voting station is laid out in a way that guarantees the secrecy of the vote. All voters are entitled to equal treatment in this respect. The Minister promises that the current phrasings in the Elections Act and the Elections Decree will be reviewed in order to ascertain if by modifying these phrasings the complaints by voters can be addressed.

In respect of the right for Netherlands nationals abroad to vote, the Minister answers that the government discussed a number of these topics in October 2009 (downloading registration forms, electronic submission of registration requests and abolishing the red pencil for voters abroad) within the framework of the evaluation of the elections to the European Parliament.¹²

The intention to design a new ballot paper model has been included in the evaluation of the April 2010 municipal elections by the Ministry of the Interior and Kingdom Relations.¹³

For Netherlands nationals living abroad, there is no equivalent to the GBA (Municipal Personal Records and Travel Documents Database) that can prove Dutch nationality. That is why a registration has to take place for every election, in which the individual who wants to vote, proves his Dutch nationality. As was reported to the House before, the contemplated (permanent) RNI (Nonresidents Register) may offer a solution for the voters abroad. When the Nonresidents Register has been implemented, it will be possible to abandon registration for every election.

In respect of the electronic tools for counting and the requirements for electronic voting machines, the Minister argued that, during the evaluation of the municipal elections, the government had concluded that the ballot paper model needed to be modernized. The motive for this was not just to make it easier to handle for the blind, partially sighted persons and illiterates, but also to make counting of the votes easier. The inquiry into this will include the question as to whether there are possibilities for counting a new paper ballot paper model reliably with the aid of electronic tools. The government has no plans for drawing up quality requirements for voting machines and voting computers shortly. Nor do international developments give cause to reconsider this decision.

The Minister states emphatically that the time when the reliability of voting machines and voting computers could be trusted blindly will not come back. Should the voting machines/computers be allowed again, then there will be a discussion about their security before each selection. That is because security is a never-ending rat race, according to the Minister. The technology used has to be reviewed and updated continuously in order to stay ahead of security risks. Even if this is performed in an excellent manner, questions will be raised about the reliability of the technology. Elections, a unique process, must be kept out of such an area of tension, according to the Minister.

In respect of the change of the date for the 2014 municipal elections, the Minister of the Interior and Kingdom Relations at first responded negatively to the advice, but later he indicated that he would still resolve this matter.

In his response to the proposal to change the date for the 2015 elections to the House of Representatives, the Minister announced an inquiry into a more lasting resolution for the election dates.

11 Reference BPR 2010/U56335.

12 Parliamentary Papers II 2009/10, 31142 no. 16.

13 Reference BPR 2010/U51917.

7. Extension of the term of office of water board members (16 December 2010)

In the coalition agreement, the government states its intention to make the water board elections indirect elections. In that case, the administrators of the water boards will no longer be elected by the voters, but by the municipal councils. The next municipal elections will be held in the spring of 2014. In order to make the water board elections fit in with this, the term of office of the current water board members needs to be extended to five years and six months. In its advice, the Electoral Council draws the conclusion that such an extension is possible but that it requires a special legal provision. In the same advice, the Council discusses the question as to whether the water board elections can be brought under the scope of the Elections Act. The Council supports an inquiry into this possibility.



5 Elections

The Electoral Council is the central electoral committee for the elections to the House of Representatives, the Senate and the European Parliament.

The following elections took place in 2010:

- 3 March: municipal elections;
- 9 June: elections to the House of Representatives;
- 24 November: municipal elections following a redivision in 19 municipalities and deferred regular municipal elections in 10 municipalities;
- November: elections to the water board in the province of Zeeland (Scheldestromen Water Board).

Municipal elections

Elections were held in 394 municipalities on 3 March 2010. Postponed municipal elections in 10 municipalities and municipal elections following a redivision in 19 municipalities were held on 24 November 2010. Although the Electoral Council does not act as a central electoral committee for the municipal elections, nevertheless these elections entail activities for the Electoral Council (secretariat). Citizens, municipalities, political parties and media frequently draw on the Electoral Council as a knowledge and information centre in the run-up to these elections. In order to be able to answer the questions put to the Electoral Council, an Elections Information Centre was set up during the municipal elections. The Information Centre is a collaborative project between the Electoral Council and the Ministry of the Interior and Kingdom Relations.

Political groupings that have registered with the Electoral Council for participation in the elections to the House of Representatives, are not required to register separately with municipalities. Their registration with the Electoral Council is also valid for the municipal elections (*see Chapter 6*). In view of this, the appellations of political parties registered with the Electoral Council are published in the Government Gazette.¹⁴

Comparison of the 2006 and 2010 municipal election results

	2006	2010
Number of valid votes	6,909,480	6,581,330
Number of invalid/blank votes	30,510	31,804
Percentage of blank votes	0.44%	0.48%
Number of enfranchised citizens	11,851,753	12,216,546
Turnout	6,939,990	6,613,134
Turnout percentage	58.56%	54.13%

¹⁴ See Government Gazette of 10 December 2009 for municipal elections and of 27 September 2010 for deferred municipal elections or elections following a redivision.

Elections to the House of Representatives

The regular elections to the House of Representatives were scheduled for 2011, but because of the fall of the government in February 2010, so-called dissolution elections were held on 9 June 2010¹⁵.

In its capacity as central electoral committee, the Electoral Council does not just establish the definitive election results, but it has also the following tasks:

- registration of names (appellations) of political parties;
- evaluation of the validity of combined lists;
- numbering the lists of candidates;
- assigning seats and appointing Members of Parliament.

In 2010, the Electoral Council processed 19 requests for registration. In this process, the Council judges whether the name (appellation) that a political grouping wants to register is acceptable. (See: Chapter 6).

On 27 April 2010, lists of candidates were submitted by the political groupings to the principal electoral committees in the various electoral districts in the Netherlands. 16 out of the 18 participating parties used the option of central nomination of candidates with the municipality of The Hague. The Electoral Council has determined that no single grouping submitted different lists of candidates for different electoral districts.

The principal electoral committees have evaluated the validity of the lists of candidates. The numbering of the lists of candidates took place on 29 April 2010 during a public session of the Electoral Council, in which the Council also decided on the validity of the requested combinations of lists. The record made of this session has been made available for inspection at the Electoral Council and has been published in the Government Gazette.

9,442,977 out of the 12,524,152 voters voted on Wednesday 9 June 2010. This means that the turnout percentage of these elections, 75.40%, was below the 2006 percentage (80.35%).

Comparison of the 2006 and 2010 results of the elections to the Lower House

	2006	2010
Number of valid votes	9,838,683	9,416,001
Number of invalid/blank votes	16,315	26,976
Percentage of blank votes	0.17%	0.29%
Number of enfranchised citizens	12,264,503	12,524,152
Turnout	9,854,998	9,442,977
Turnout percentage	80.35%	75.40%

The principal electoral committees met on Friday, 11 June 2010 in a session in order to determine the total votes for each electoral district. On the basis of these results the official result of the elections could be established. This was done by the Electoral Council during a public session on 15 June 2010. Although formally it is the Electoral Council's only task to publish the numbers of votes cast per grouping and per candidate and the distribution of seats based on it, the custom has developed, at the request of the Parliamentary Committee on the Examination of Credentials, for the Council to pronounce its judgment on the reliability of the results.

15 See the Royal Decree to dissolve the House of representative, 18 March 2010, Bulletin of Acts and Decrees 2010, no. 131.

For this purpose, the Electoral Council has assessed the records of the polling stations in which voters had made objections or in which irregularities had been reported.

On the basis of this information and the general information available to the Electoral Council, the Council judged that the results of the inquiries and the objections that were made, gave no reason to doubt the reliability of the outcome.¹⁶

An observer mission of the Organization for Security and Cooperation in Europe (OSCE) followed the elections to the House of Representatives in the Netherlands in the period from 25 May to 12 June 2010. Their report, issued on the basis of this mission on 9 September 2010, is largely positive about the election proceedings.¹⁷ In its advice, the OSCE discusses, among other things, the Dutch decision to revert to paper and pencil voting. The comment is made that this decision was positive and appropriate in view of the problems that had arisen in respect of computerized voting. The transparent manner in which this problem was dealt with, has contributed to public trust in the political process. Although the OSCE holds that the Dutch legal framework offers a good basis for holding democratic elections, there are a few criticisms, for instance about the way in which voting by proxy is arranged in the Netherlands. In spite of recent modifications, it is not entirely in keeping with the Dutch guidelines and certain international standards, according to the OSCE. The OSCE also criticized the fact that voters, candidates and parties cannot challenge important aspects of the electoral process (such as the results) before a court. The OSCE considers it laudable that the Netherlands frequently evaluates the electoral process. The OSCE asserts that the planned Political Parties (Funding) Act can be used to make a first step towards accountability and transparency in the funding process of political parties.

Elections following municipal redivision

When it has been decided to merge municipalities, early elections have to be held for the Council of the new municipality. The redivision act, which specifically applies to a certain redivision, provides that the redivision shall always take effect on 1 January. That is why the elections are held in the autumn preceding the date of redivision. In such a situation, any regular municipal election is held in the same year (autumn). The redivision act appoints one municipality that is responsible for the organisation of the elections.

Municipal elections following a redivision in 19 municipalities were held on 24 November 2010. There were also deferred council elections in 10 municipalities because the planned redivision was cancelled in those municipalities.

In the case of elections following a redivision, the Electoral Council also has to publish the appellations and the names of authorized representatives that have been registered with it.¹⁸ Political groupings that have registered with the Electoral Council for participation in the elections to the House of Representatives, are not required to register separately for an election following a redivision. Their registration with the electoral Council is also valid for these elections.

Water board elections in Zeeland

Now and then, the Electoral Council receives a request for advice from the Ministry of Infrastructure and the Environment about the water board elections.¹⁹ In connection with the merger of two water boards, early water board elections were held in the province of Zeeland in the autumn of 2010. In the run-up to these elections, the Electoral Council gave advice.²⁰ Water board elections do not formally come within the scope of the Elections Act, and the Electoral Council has no legal task in these elections, but the Council did follow the elections.

A new ballot paper model was used in the water board elections and it was decided to count the votes manually. A delegation from the Electoral Council received explanations about the counting of the votes during a visit to the Scheldestromen water board on 23 November 2010. The Electoral Council drew attention to the risks of 'family voting' again.

16 The complete record of the 15 June 2010 public session can be found on www.kiesraad.nl.

17 The Netherlands 'Early parliamentary elections' 9 June 2010.

18 See 20 September 2010 publication in Government Gazette.

19 Amendment to Water Board Act (27 August 2009), advice on draft Water Board Decree (3 July 2007), advice on extension of water board members' term of office (20 December 2010).

20 See the Advice on amendment to the Water Board Decree to modify the voting by letter provision, dated 18 December 2009, to be found on www.kiesraad.nl.

Whereas the number of invalid ballot papers was almost 10% in the latest (national) water board elections, it was only 0.2% owing to the modified so-called 'letter-in-letter voting method' (this percentage is comparable to the percentage of invalid votes in regular elections).

The next water board elections may be indirect elections, as can be concluded from a request for advice about the possibility to extend the term of office of water board administrators. This makes it uncertain if this Zeeland experiment will be repeated on a national scale.

Preparation for the 2011 elections

The elections to the provincial councils will take place on 2 March 2011. The island council elections will be held on the same date. The island council is a body of elected people's representatives within the public bodies Bonaire, Saint Eustatius and Saba and previously within the Netherlands Antilles, at present Dutch Caribbean. The island council supervises the Executive Board consisting of a lieutenant governor and several members. The island council is comparable to the municipal council and is also elected directly for a four-year term of office.

In both the elections to the provincial councils and to the island councils, the Electoral Council does not act as central electoral committee, but as an information centre. The Electoral Council does act as central electoral committee in the elections to the Senate on 23 May 2011. To prepare for the elections, an Elections Information Centre has been set up; it will last until the end of June 2011.

Software for elections

In municipal elections, elections to the House of Representatives and the elections following a redivision in 2010, political parties, (principal) electoral committees and central electoral committees used OSV (Election Supporting Software). This software is used to support the nomination of candidates and the calculation and determination of the outcome. Because a number of elections were held shortly after one another, the users get more and more familiar with OSV as reliable tool for the elections. Regional instruction meetings were held for various groups of users in the run-up to all elections, and the software supplier, IVUTrafficTechnologies, set up a helpdesk that users could consult for questions and problems. TNS-Nipo conducted an evaluation study among the users after the municipal elections. The evaluation shows that the overall performance of the software was good. Points for improvement, mainly aimed at user-friendliness, were partly implemented in the software before the June 2010 House of Representatives elections.

The Electoral Council has decided to have OSV developed for the Senate elections too. With a view to a timely preparation for these elections, which will be held on 23 May 2011, testing this module was started in the autumn of 2010. In addition, adjustments are being made to the OSV, so that it can also be used in the Dutch Caribbean in the next elections. With the implementation of these two modules, OSV has moved on from the development phase into the management phase. In this phase, in addition to general software management, it is important to see to it that OSV keeps in touch with the needs of users. Within this framework, a first step was taken towards the creation of a so-called OSV users' panel in 2010.

Filling interim vacancies

When a seat in the House of Representatives, the Senate or the European parliament becomes vacant, the chairman of the Electoral Council has the task to appoint a candidate as a member of the representative body concerned.

In 2010, members were appointed for the following vacancies:

Representative body	Number of interim vacancies	Distribution over the lists
House of Representatives	15	Christen Democratisch Appèl (CDA): 7 VVD: 6 PVV (Partij voor de Vrijheid): 1 Partij van de Arbeid (P.v.d.A.): 1
Senate	3	Christen Democratisch Appèl (CDA): 1 VVD: 1 Democraten 66 (D66): 1
European Parliament	2	PVV (Partij voor de Vrijheid): 1 VVD: 1
Representative body:	Number of interim vacancies due to illness or pregnancy	Distribution over the lists
House of Representatives	4	SP (Socialistische Partij): 1 GROENLINKS: 1 Partij van de Arbeid (P.v.d.A.): 2

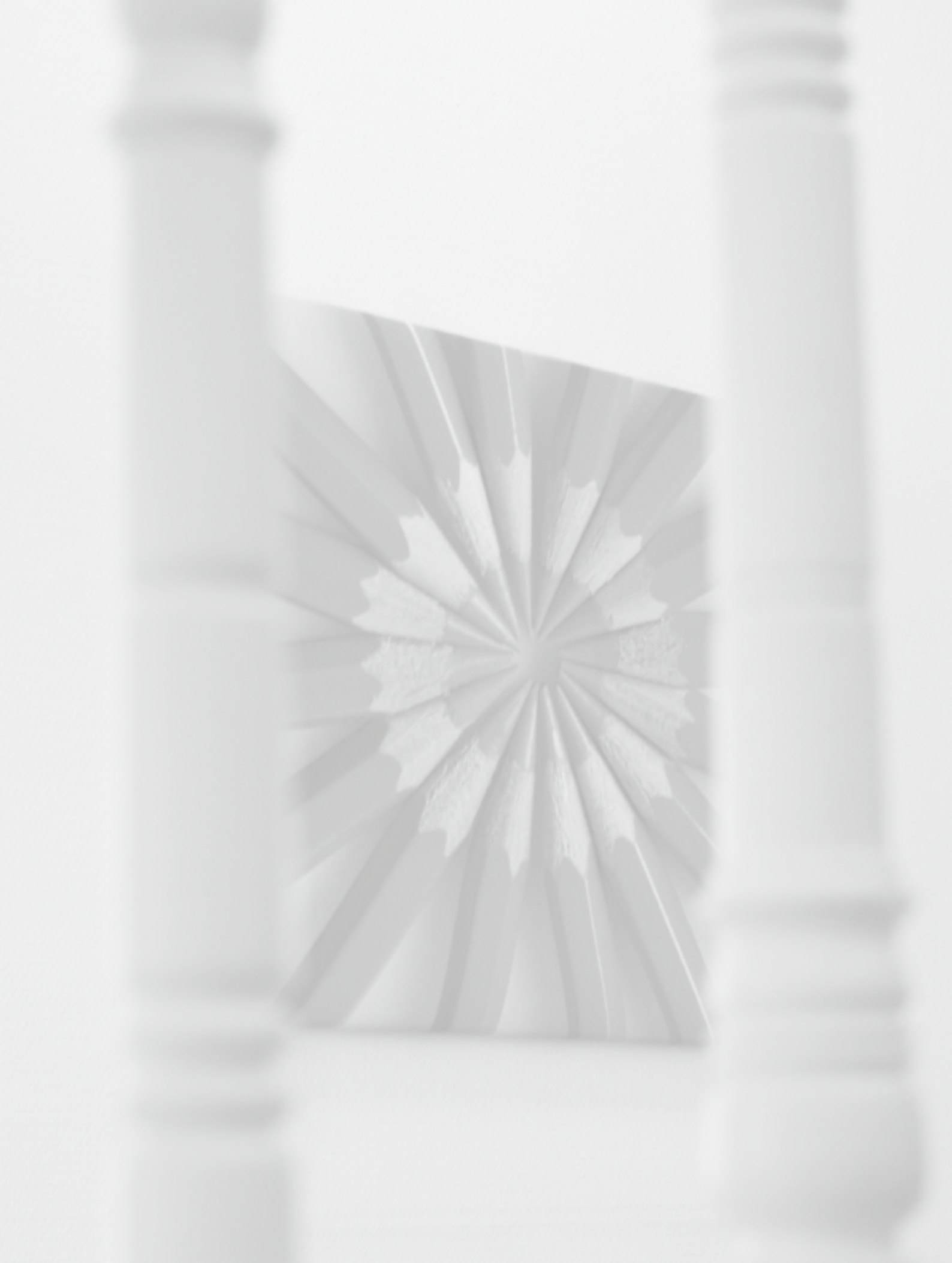
The vacancies were related to the creation of the new government or to the fact that an Senate member or European parliament member was appointed as a member of the House of Representatives.

The summary below gives a picture of the number of interim vacancies in the past few years.

Representative body	2010	2009	2008	2007	2006
House of Representatives	19	8	8	17	8
Senate	3	4	0	3	2
European Parliament	2	1	1	3	0

The number of interim vacancies appears to be fairly stable. The relatively large number of interim vacancies in the House of Representatives in 2007 and in 2010 is caused by the fact that parliamentarians became members of the government after the November 2006 and June 2010 elections.

For the purpose of a proper performance of the above-mentioned task, the Electoral Council secretariat has frequent contacts with the Secretary of the Senate and the House of Representatives. Appointments to interim vacancies in the European Parliament are also handled through the Secretary General's office of the House of Representatives.



6 Registration of appellations

The Electoral Council, as central electoral committee, processed quite a few requests for registration (and modification) of appellations of political groupings for the elections to the House of Representatives in 2010. No requests for inclusion (or change) of an appellation in the registers for the elections to the Senate and the European Parliament were received in 2010.²¹

The number of registration requests for the elections to the House of Representatives was in 2010 greater than in 2009. The number of registered new appellations was 8 in 2009 and 19 in 2010. In 2007 and 2008 these were significantly fewer, 3 and 7 respectively. The greater number of registration requests in 2010 is due to the fact that House of Representatives elections were held. Political groupings could register an appellation for these elections until Monday, 15 March 2010. The Electoral Council decided not to handle one request in 2010 because it was incomplete.

The registration form has been simplified and made available at the Electoral Council's website.

New appellations

The following 19 appellations were first registered in the register for the elections to the House of Representatives in 2010:

- Partij Rechten Kind
- Meebeslissen.nl
- Partij van de Niks
- Partij één
- HHH Partij
- LOT to.kg
- de Nieuwe Volkspartij
- Lijst 0
- Ik Stem Voor Nederland
- EERLIJK
- MOED
- De Stem van Jezelf
- Verenigd Nederland
- VIPS10
- Piratenpartij
- Liberaal Democratische Partij (LibDem)
- De Groenen
- 50PLUS
- Unie van Democraten (De Unie)

The appellation 'Partij voor Mens en Spirit' in the register was changed to 'Partij voor Mens en Spirit (MenS)' and the appellation 'Partij voor de Vrijheid' was changed into 'PVV (Partij voor de Vrijheid)'.

Deleting a registered appellation

Forty-five appellations were deleted from the register of appellations for the 2010 elections to the House of Representatives.²² These deletions were related to the fact that the political parties concerned had not submitted a valid list of candidates for the 2010 House of Representatives elections. No appellations were deleted from the register of appellations for the Senate and the European Parliament in the reporting year.

²¹ The register can be consulted through the website www.kiesraad.nl.

²² See the Electoral Council website www.kiesraad.nl.

Publication of registered appellations with a view to the elections

The Electoral Council made a number of public announcements in the Government Gazette in 2010 about the appellations of political parties registered for the elections to the House of Representatives, and the names of the authorised representatives and their deputies. This was done because these registered appellations are not only applicable to the House of Representatives elections, but also to the elections at a local level.

Public notifications of registered appellations	Publication date in Government Gazette
9 June 2010 House of Representatives elections.	13 April 2010
24 November 2010 elections following a redivision	23 September 2010
2 March 2011 provincial councils elections	9 December 2010

The relevant publications show that a total of 61 appellations were registered with the Electoral Council for the elections to the House of Representatives. Partly due to the deletion of appellations after the House of Representatives elections in June 2010, a total of 17 appellations registered with the Electoral Council also applied to the elections in November 2010. 20 appellations were also used for the March 2011 provincial councils elections.



7 Lawsuits

The Electoral Council was involved in several lawsuits in 2010, both in cases in which the Electoral Council was a party and in cases in which the Council acted as an advisor. In the cases in which the Electoral Council acted as an advisor, information was requested by the chairman of the Administrative Jurisdiction Division of the Council of State (hereinafter: the Division) pursuant to Section 8(45) of the General Administrative Law Act.

For the first time in the history of the Electoral Council, the Joint Court of Justice of Aruba, Curaçao, Saint Martin and of Bonaire, Saint Eustatius and Saba requested information from the Electoral Council.

In respect of the 3 March 2010 municipal elections, 34 appeals were lodged regarding which the Division requested information from the Electoral Council. Most cases were brought in respect of the procedure for the nomination of candidates that took place on 19 January 2010. No judgment was pronounced in 15 of these appeal cases, because the appeals were withdrawn. Furthermore, no decision was made on the substance of the claim in a number of cases, because no court fee had been paid or because the appeal had not been lodged within the period set.

The Electoral Council was involved as a party in two cases. One case had already been brought on the basis of the Electoral Council's refusal in 2009 to refund the deposit paid for the nomination of candidates for the EUROPESE KLOKKENLUIDERSPARTIJ (EKP).²³ The other case happened after the House of Representatives elections, arising from the Electoral Council's decision to delete the relevant appellation because no valid list of candidates had been submitted.

The appeal cases that have produced new case law will be discussed below. A number of judgments in which the Electoral Council was not involved as a party or as an advisor, but which are important for electoral law, is mentioned under the heading 'Other cases'.

The appendix to this annual report contains a summary of all electoral law cases in which the Electoral Council was involved as a party or as an advisor.

Principal electoral committees are no interested parties

The principal electoral committees Goirle and Assen, in their 22 April 2010 sessions held for the examination of lists of candidates, had declared a number of lists of candidates submitted by political groupings valid. After the session, the principal electoral committees discovered that they had incorrectly declared these lists valid. Subsequently, the principal electoral committees lodged appeals against the decisions taken by themselves. The principal electoral committees and the Electoral Council held that in view of the strict and short time limits in the Elections Act, the principal electoral committees have no power to withdraw or change the decisions to declare lists of candidates valid. The only possibility to cancel the incorrect decisions was to lodge appeals against these, according to the principal electoral committees and the Electoral Council.

The position taken by the principal electoral committees and the Electoral Council was not followed. In its 29 January 2010 decisions, the Division held that the possibility for concerned parties to appeal against the decisions by administrative bodies was created to provide legal protection against government action. It is the Division's view that this remedy was not created in order to offer an administrative body the possibility to cancel a decision taken by itself, even if it thinks that it is not authorized to revoke or modify this decision itself. The Division has not dealt with the question as to whether in this case the authority to revoke or modify the decision challenged in the appeal, is absent. The Division has declared the appeals inadmissible.

23 The EKP has now lodged an appeal after a decision by the Leeuwarden District Court.

Politician's surname in appellation

The central electoral committee of the municipality of The Hague rejected the request to register the appellation 'Stop Wilders.nu' in its 30 December 2009 decision, because it was judged to be contrary to public order. The use of Mr Wilders' name in the appellation, for which he had not given his consent, was alleged to be an invasion of his privacy. The political association Stop Wilders.nu disputed this by arguing that the registration it sought was intended to enable the voters to express their opinion of Mr Wilders' ideas and that therefore the appellation is not aimed at Mr Wilders in person, but at the ideas he represents. That is why the appellation is not contrary to public order, according to the political grouping.

The Division agreed with the Electoral Council in its reaction and upheld the appeal. The Division thinks that the desired appellation 'Stop Wilders.nu' expresses the party's opposition against Mr Wilders' ideas. The Division points out that the Elections Act mentions the grounds for rejecting an appellation exhaustively. The point of departure in the evaluation of a request for registration is any political grouping's freedom to choose the appellation. The Division thinks that a broad interpretation of the ground for refusal 'contrary to public order' is not logical in view of this intention of the law to guarantee ample freedom to a political grouping in choosing its appellation and using it to fight a political battle. Therefore, the mere fact that the political grouping has not requested permission to use the politician's name, is not contrary to public order, according to the Division.

Association with full legal capacity

In its 17 December 2009 decision, the central electoral committee Utrecht rejected the request for registration of the appellation 'Partij Vrij Utrecht (PVU)' in the register for the purpose of the municipal elections. The central electoral committee bases its decision on the notarial deed containing the charter. Moreover, the certificate of registration in the Commercial Register shows that the request was made by an association with limited legal capacity. The political grouping 'Partij Vrij Utrecht (PVU)' has appealed against this and it argues that from the existence of a charter in a notarial deed it follows that there is an association with full legal capacity.

The Division did not agree with the Electoral Council's advice and upheld the appeal. Because the charter is incorporated in a notarial deed, the Elections Act provides no basis for declining to register the appellation. The fact that, at the beginning of the notarial deed, preceding the laying down of the charter, concerning the appellation of the political grouping, the civil law notary had mentioned that 'at present it is still an association with limited legal capacity', was no reason for the Division to come to a different decision.

Other cases

The newspaper Algemeen Dagblad has appealed against a decision by the subdistrict court, allowing a reporter's claim to the right to be appointed as a municipal council member without any consequences for his employment with AD Nieuwsmedia. The Court of Appeal in The Hague has quashed this decision.²⁴ The Court reached the conclusion that a newspaper, in certain circumstances, may prohibit a journalist in its employment from simultaneously being active as a municipal council member. Parliamentary questions were asked in respect of this case; they have been answered by the Minister of the Interior and Kingdom Relations.²⁵

The Supreme Court has delivered judgment in two appeal cases of the State and the political party SGP.²⁶ The essence of the Supreme Court's judgments is that the SGP may not bar women from lists of candidates for elections. The Supreme Court holds that the State is obliged to take effective measures in order to ensure that the SGP grants women within the party the right to stand for election. It was considered important in this context that the selection of such measures to be taken by the State, requires a balancing of interests that coincides to such an extent with considerations of a political nature, that it cannot be expected to be made by the Court.

In 2010, various courts made divergent decisions about making available for inspection and disclosing lists of candidates (model H1) containing candidates' home address, pursuant to the Government Information (Public Access) Act. Appeals were lodged with the Division against a number of judgments; decisions about them are expected in 2011.

24 Judgment by the The Hague Court of Appeal, 28 September 2010, case no: LJN BO0124.

25 Appendix to the Proceedings, session year 2010-2011, no. 1200.

26 Judgments by the Supreme Court, 9 April 2010, case nos. : LJN: BK4547 and LJN: BK4549.



8 Communication

In 2010, a start was made with making improvements so as to better inform the Electoral Council's various target groups:

- the website devotes more attention to current affairs (72 news items in 2010 compared to 60 in 2009), an extensive Frequently Asked Questions (FAQ) section was published on the site and an English version was added to the website;
- the database with election results was considerably extended;
- information provision through the Elections Information Centre was optimized (by an introduction programme, among other things);
- various information meetings for principal electoral committees and political parties were held throughout the country;
- a memorandum about the possibilities of using social media was drawn up, as a consequence of which the Electoral Council has in the mean time its own Twitter account.

In the periods when the elections to the municipal councils and to the House of Representatives were held this year, the Electoral Council was frequently consulted, through the Information Centre and the website, by citizens, municipalities and political parties. The great interest shown by the media was noteworthy. In particular in the election periods, there was a good deal of communication towards national and regional newspapers, the radio, television and press agencies. Several interviews were given as well, to newspapers and on the radio. Coordination with the spokesmen of the Ministry of the Interior and Kingdom Relations was sought at important moments.

More information about the website, the Elections Information Centre, the election results database and publications follows below.

Numbers of visitors to the website

The rising trend in the number of visitors to the website continued in 2010. Of course, this was partly due to the fact that there was more than one election (there were only elections to the European Parliament in 2009). Whereas the website was visited on average 400 times a month in 2008, this average rose to more than 2,000 in 2009, and more than 3,000 in 2010.

Month	Total	Average per day	Peak day
January	4386	141	05 January: 303
February	1616	57	23 February: 57
March	5136	166	04 March: 1558
April	1800	60	29 April: 241
May	2194	70	03 May: 277
June	14,528	484	16 June: 3088
July	1268	40	05 July: 102
August	1032	33	03 August: 74
September	1658	55	30 September: 126
October	1488	48	05 October: 143
November	1562	52	25 November: 107
December	1273	50	21 December: 128
Total	37,941	131	

The peak in 2010 is closely connected with the elections to the Lower House. A large number of visitors was also obtained in the month when the municipal elections were held. The large number of visitors in January can be attributed to the nomination of candidates for the municipal elections.

Elections Information Centre

In view of the municipal elections (3 March 2010), the Elections Information Centre started at the beginning of September 2009. After the fall of the fourth Balkenende government at the end of February 2010, the Elections Information Centre was continued for the purpose of the elections to the House of Representatives (9 June 2010).

The most important tasks of the Elections Information Centre were informing citizens, municipalities, political parties, the press and other organisations about electoral law and the organisation of the elections. The Information Centre was staffed by three external staff members during the busiest period. The Elections Information Centre was discontinued at the end of June 2010 and started again in November 2010 with a view to the elections following a municipal redivision on 24 November 2010, the provincial councils elections on 2 March 2011 and the elections to the Senate on 23 May 2011.

Municipal elections in 2010

In the period when the Elections Information Centre was active for the municipal elections (September 2009 to March 2010), a total of 4146 questions were processed by e-mail (18%) or by telephone (82%). In January, the month when political parties submitted lists of candidates to the principal electoral committees, most questions were asked (a total of 1155 questions). Many questions were also asked on the voting date (a total of 164). After that, many questions were received about the recount of ballot papers.

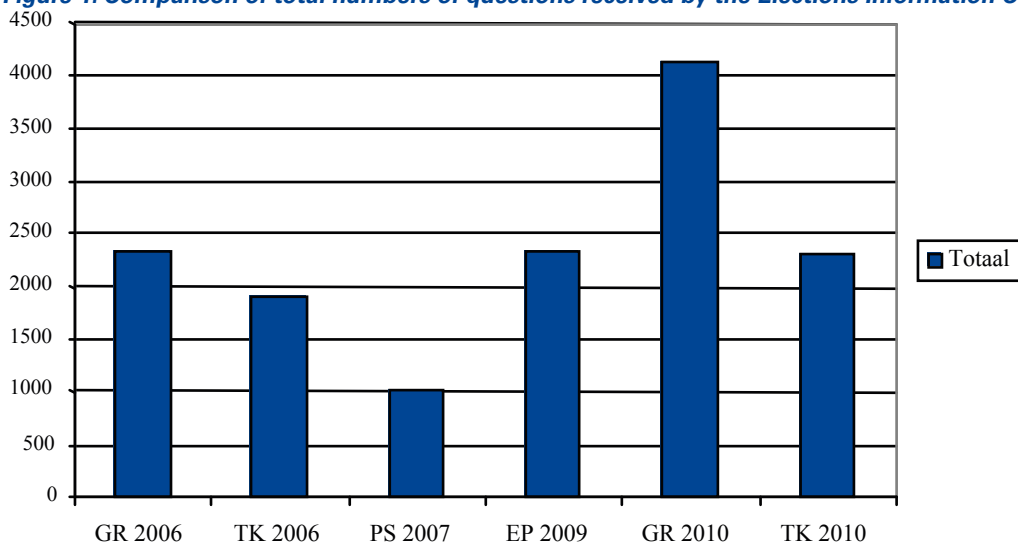
The Information Centre handled significantly more questions than during the 2006 municipal elections. Corrected for the period in which the Information Centre was active, still 44% more questions were submitted than in 2006. Most questions came from municipalities (69%). Many questions concerned the submission of lists of candidates (15 %) and the Election Supporting Software (13%).

2010 elections to the Lower House

In the period when the Elections Information Centre was active for the House of Representatives elections (February to June 2010), a total of 2316 questions were processed by e-mail (24%) or by telephone (76%). Most questions (a total of 863) were asked in June, the month in which the elections were held. There was a sharp rise in the number of questions on the voting date (a total of 314), after that, the number of questions strongly diminished.

The Information Centre processed 20% more questions for the House of Representatives elections in 2010 than in 2006. Again, most questions came from municipalities during these elections (43%). Most questions concerned the voting pass (14%).

Figure 1: Comparison of total numbers of questions received by the Elections Information Centre²⁷



²⁷ Derived from the report by the Elections Information Centre 2010, to be found on the Electoral Council website www.kiesraad.nl. The number of questions asked during the 2010 municipal elections was significantly greater than the number of questions asked during the other elections. This was mainly connected to the recount in Rotterdam.

Database of election results from 1848 to the present

In 2005, at the request of the then Minister for Government Reform and Kingdom Relations, the Dutch Electoral Council took on the task of publishing statistical election data after the elections, which task had been carried out by CBS (*Statistics Netherlands*) before that. Because there was no database of election results in the Netherlands, the decision was taken, in consultation with the ministry, to set up such a database. This concerns election results for the Senate and the House of Representatives, the European Parliament, the municipal and provincial councils and (as from 2011) the island councils in Dutch Caribbean. The database was supplemented with the election results for the municipalities and the House of Representatives held in 2010. The elections following a redivision and the deferred regular municipal elections in November 2010 were also included in the database.

The option to retrieve results broken down by candidate and by municipality, as a table or as a map, was created in 2010.

The database was frequently visited during the two election periods in 2010, but also outside election periods it attracts a great deal of attention.

Activity per month

Month	Hits	Page views	Visitors
January 2010	no data known		
February 2010	no data known		
March 2010	1,361,706	356,774	73,685
April 2010	144,923	92,248	3,286
May 2010	137,586	83,522	3,680
June 2010	2,160,878	549,993	118,022
July 2010	152,092	92,418	3,306
August 2010	129,559	84,939	2,586
September 2010	131,442	86,038	2,296
October 2010	137,759	83,227	2,521
November 2010	132,409	78,184	2,767
December 2010	97,677	62,485	2,029
Total	4,586,031	1,569,828	214,178

Publications

The Electoral Council published a number of compilations of election results and related data in 2010: one compilation of 'key data' of the House of Representatives elections (2010) and three compilations of 'statistical data' about the elections to the European Parliament (2009), the municipal councils (2010) and the House of Representatives (2010). A second volume was also published in the Kiesraadreeks (Electoral Council series): 'International electoral standards and the Dutch electoral process', (in Dutch) by Laurens de Wit (who worked as a freelance researcher for the Electoral Council).

Government Information (Public Access) Act

The Wob (Government Information Public Access Act) provides for both active and passive disclosure of documents. The Electoral Council implements the active disclosure obligation pursuant to Section 8 of the Wob by posting as many relevant documents as possible on its website, by issuing press releases and by distributing information material.

The Electoral Council received and handled one Wob request in 2010. This concerned a request from a citizen who wanted to receive information in respect of a political grouping, the PVV (Partij voor de Vrijheid). The Electoral Council gave a positive decision on this request in respect of the request for registration and the authorised representative appointment statement. The Electoral Council decided not to handle this request in respect of the notarial deed and the certificate of registration. The charter of an association, hence also the charter of a political party, is available at the Chamber of Commerce, and so is an extract from the Chamber of Commerce's trade register. Pursuant to Section 6(5) of the GIA, the Electoral Council first notified the interested party of its intention to provide the information. The interested party did not respond, after which the information was provided in anonymous form.



9 International developments

Comparative law studies provide a useful contribution to the task of drawing up advices. The Electoral Council expands its expertise by exchanging information both on a national and an international level. That is why attention was devoted to building up and maintaining the international network of relations in 2010. A short summary of the several activities that were undertaken in this field follows below.

In the run-up to the elections to the House of Representatives, the Netherlands was visited by a delegation of observers from the Organization for Security and Cooperation in Europe (OSCE). The Electoral Council spoke with the delegation. The Election Council's secretary-director gave a presentation about the Electoral Council's current and possibly future tasks and responsibilities and about the Dutch system of the distribution of seats.

In June 2010, the GRECO (Group of States against Corruption), a Council of Europe body, published a report about the Netherlands and, within this context, among other things examined the rules for funding of political parties in the Netherlands.

The seventh EMB (Electoral Management Bodies) conference took place in London on 22 and 23 June. The conference theme was 'Every voter counts'. The Electoral Council was represented by Ms M.H. Leyenaar, the secretary-director and a staff member of the secretariat. The Council member gave a presentation in one of the workshops and the secretary-director gave an account of the 2010 elections.

A staff member of the secretariat was present at the third 'e-voting Review meeting' in Strasbourg on 16 and 17 November 2010. E-voting is a collective name for all forms of electronic voting, such as voting through internet or by using voting machines. The project group 'Good Governance in the Information Society' of the Council of Europe organises this biannual meeting. A number of Member States (and Brazil) reported on the development and progress of e-voting in their countries. Two international organisations (ODHIR and ACEEEO) also presented their views on this topic.

The Electoral Council secretariat queried sister organisations abroad a few times in 2010, among other things about the procedure and the implementation of voting from abroad, and also about the issues of recounting and revoting.



10 Finances

In budgetary terms, the Electoral Council is subject to Chapter VII, Section 31.5 of the national budget and receives its income from the Ministry of the Interior and Kingdom Relations. The Council works in accordance with the budgetary and reporting cycle of this ministry.

The disposable budget for the Electoral Council amounted to EUR 2,805,000 in 2010. This includes the extra resources that were received in 2010 for the development of the Election Supporting Software and in connection with the early elections to the House of Representatives. The operation targets that were implemented in the Ministry of the Interior and Kingdom Relations have also been incorporated in this.

In 2010, 94.78% of the budget was spent.

	Working budget	Expenses made
Staff (permanent staff salaries)	€ 927,000	€ 882,128
Material, accommodation and temporary staff	€ 1,878,000	€ 1,776,578
Total	€ 2,805,000	€ 2,658,706

This summary does not include the deposits paid to the Electoral Council in respect of the registrations of appellations and the nomination of candidates of political groupings. These deposits are credited to a separate account of the Ministry of the Interior and Kingdom Relations and are forfeited to the State if they need not be paid back to those who have paid the deposits.

The Electoral Council members receive a remuneration for their effort. The chairman receives a monthly payment based on 0.3 FTE in scale 18 of the Civil Servants' Pay Decree. The Council members receive an attendance fee amounting to EUR 235 per meeting plus travel expenses.

No persons work for the Council and its secretariat to whom the Executives' Pay Financed from Public Funds (Disclosure) Act applies.



Appendix

Appendix

Overview of lawsuits in which the Electoral Council was involved

1. Lawsuits to which the Electoral Council was a party

Authority and date	Section (Elections Act)	Description	Decision
Political association Liberaal Democratische Partij / Electoral Council Decision by the Administrative Jurisdiction Division of the Council of State, 15 September 2010, case no. 201006413/1 ¹	G 1	The political grouping Liberaal Democratische Partij appealed against the 15 June 2010 decision by the central electoral committee for the elections to the Lower House to delete the appellation 'Liberaal Democratische Partij' from the register of the Lower House of the States General. The Electoral Council, in its capacity as central electoral committee, had deleted the appellation because no valid list of candidates had been submitted for the last held elections to the Lower House.	The Division ruled that the Electoral Council was right in deleting the appellation 'Liberaal Democratische Partij' pursuant to Section G 1(7)(d) of the Elections Act. Furthermore, the Division judged that the political grouping's plea that the Electoral Council had acted negligently towards it could not be upheld. The appeal was dismissed.
EUROPESE KLOKKENLUIDERS PARTIJ (EKP) / Electoral Council Decision by the Leeuwarden District Court, 1 November 2010, case no. AWB 69/2397 (www.rechtspraak.nl)	H 12	In its 9 August 2009 decision, the Electoral Council upheld its refusal to refund the deposit for the nomination of candidates of the political party EUROPESE KLOKKENLUIDERSPARTIJ (EKP) for the elections to the European Parliament. This political grouping appealed against this decision to the Leeuwarden District Court. It adopted the position that under the Elections Act, political groupings receive unequal treatment in respect of the payment of the deposit, something which is contrary to the principle of equality or the European treaties and regulations.	The Court upheld the appeal, but maintained the legal consequences of the quashed decision. The Court reached the conclusion that there is no violation of Section 26 of the ICCPR. The EUROPESE KLOKKENLUIDERSPARTIJ (EKP) has now appealed against this decision to the Administrative Jurisdiction Division of the Council of State.

¹ The decisions by the Administrative Jurisdiction Division can be accessed at www.raadvanstate.nl

2. Lawsuits in which the Electoral Council acted as an advisor

Authority and date	Section (Elections Act)	Description	Decision
<p>Association Partij Vrij Utrecht (PVU) / Utrecht central electoral committee</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 7 January 2010, case no. 200910033/1</p>	<p>G 3</p>	<p>In its 17 December 2009 decision, the Utrecht central electoral committee rejected the request for registration of the appellation 'Partij Vrij Utrecht (PVU)' in the register for the purpose of the municipal elections. The central electoral committee bases its decision on the notarial deed containing the charter. Moreover, the certificate of registration in the Commercial Register shows that the request was made by an association with limited legal capacity. The political grouping 'Partij Vrij Utrecht (PVU)' has appealed against this and it argues that from the existence of a charter in a notarial deed it follows that there is an association with full legal capacity.</p>	<p>The Division has upheld the appeal. Because the charter is incorporated in a notarial deed, the Elections Act provides no basis for declining to register the appellation. The fact that, at the beginning of the notarial deed, preceding the laying down of the charter, concerning the appellation of the political grouping, the civil law notary had mentioned that 'at present it is still an association with limited legal capacity', was no reason for the Division to come to a different decision.</p>
<p>Association Partij van de Islamitische Democraten / Central electoral committee of the municipality of The Hague</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 15 January 2010, case no. 201000060/1</p>	<p>G 1, G 2, G 3</p>	<p>In its 29 December 2009 decision, the central electoral committee of the municipality of The Hague rejected the request for registration of the appellation 'Islamitische Democraten'. The committee adopted the position that the appellation 'Islam Democraten' had already been registered and that therefore the risk of confusion existed. For this reason, it denied the request for registration. The political grouping 'Partij van de Islamitische Democraten' has appealed against this decision.</p>	<p>The appeal was dismissed. The Division held the view that the appellation 'Islamitische Democraten' is largely similar to the appellation 'Islam Democraten' and that therefore the risk of confusion exists.</p>

Authority and date	Section (Elections Act)	Description	Decision
<p>Political association Stop Wilders.nu / Central electoral committee of the municipality of The Hague</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 15 January 2010, case no. 201000115/1</p>	G 3	<p>In its 30 December 2009 decision, the central electoral committee of the municipality of The Hague rejected the request for registration of the appellation 'Stop Wilders. nu' as it was contrary to public order because this appellation, by using Mr Wilders' surname, for which he had not given his consent, was an invasion of his privacy. The political association Stop Wilders.nu disputed this by arguing that the registration it sought was intended to enable the voters to express their opinion of Mr Wilders' ideas and that therefore the appellation is not aimed at Mr Wilders in person, but at the ideas he represents. That is why the appellation is not contrary to public order, according to the political grouping.</p>	<p>The Division thinks that the desired appellation 'Stop Wilders.nu' expresses the party's opposition against Mr Wilders' ideas. The Division points out that the Elections Act mentions the grounds for rejecting an appellation exhaustively. The point of departure in the evaluation of a request for registration of an appellation is any political grouping's freedom to choose the appellation with which it wants to propagate its ideas in the political battle. A broad interpretation of the ground for refusal 'contrary to public order' is not logical in view of this intention of the law to guarantee ample freedom to a political grouping in choosing its appellation and using it to fight a political battle. Therefore, the mere fact that a politician's name is used without his consent in the appellation of a political association, is not contrary to public order, according to the Division. The appeal was upheld.</p>
<p>Appellant / Central electoral committee of the municipality of Doetinchem</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 18 January 2010, case no. 201000092/1</p>	G 3, G 5	<p>A request for registration of the political grouping 'OPPOSITIE KAN ALTIJD (O.K.A.)' was not received by the central electoral committee on or before the 43rd day before the nomination of candidates, and was therefore not processed for the next municipal elections. The secretary of the political association appealed against this, on behalf of himself.</p>	<p>According to the Division, the secretary's interest in respect of the refusal to handle the request for registration of the appellation, is not different from the interests of other citizens or voters in the municipality of Doetinchem. In this context, the Division considered it important that being a committee member of the political grouping is a secondary interest and not the appellant's own and direct interest. In view of this, the Division concluded that the appellant cannot be considered to be an concerned party within the meaning of Section G 5 of the Elections Act.</p>

Authority and date	Section (Elections Act)	Description	Decision
<p>Appellant/ Principal electoral committee of the municipality of Breda</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 28 January 2010, case no. 201000866/1</p>	<p>I 6, I 7</p>	<p>The appeal is against the decision by the Breda principal electoral committee, by which the list of candidates of the Christen Democratisch Appèl and confirmed the names listed in it. The Appellant argued that the names of two candidates should have been deleted on account of their personal and commercial interests.</p>	<p>The appeal was dismissed. For this purpose, the Division contemplated the fact that the grounds for deleting candidates from a list are mentioned exhaustively in Section I 6, first paragraph. These grounds do not include the fact that a candidate holds a position that is incompatible with membership of the municipal council or has personal or commercial interests that are incompatible with council membership. In this context, the Division referred to Section V 4, first paragraph, of the Elections Act, which provides that the representative body for which the election was held, in the inspection of the credentials has to verify whether the person nominated meets the requirements for membership and does not hold a position that incompatible with membership.</p>
<p>Nederlandse Klokkeluiers Partij / Principal electoral committees of the municipalities of Harlingen, Haarlemmermeer and Leeuwarden</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 28 January 2010, case no. 201000885/1</p>	<p>G 5, D 9</p>	<p>The appeals are against the decisions by the principal electoral committees of the municipalities of Harlingen, Haarlemmermeer and Leeuwarden to delete certain candidates from the list of candidates.</p>	<p>The appeals were disallowed because the court fee had not been paid.</p>

Authority and date	Section (Elections Act)	Description	Decision
<p>Appellant / Principal electoral committee of the municipality of Kampen</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 28 January 2010, case no. 201000926/1</p>	I 5	<p>The appeal is against the decision by the principal electoral committee to declare the list of candidates of the Christen Democratisch Appèl (CDA) valid. The Appellant argued that the principal electoral committee had been wrong in declaring the CDA list of candidates for the election to the Kampen municipal council valid. He pleaded that the decision taken by the members' meeting establishing the list of candidates for the CDA, was contrary to the law, because not all members had been convened.</p>	<p>The Division dismissed the appeal. It referred to an earlier decision, dated 15 April 2002, case no. 200201947/1, in which Section 15 of the Elections Act was judged to contain an exhaustive and mandatory list of the grounds for declaring a list of candidates invalid. Entirely in accordance with Section 4 of the Constitution, the Elections Act provides no basis for testing a list of candidates against any other requirements than the formal requirements made by the Elections Act.</p>
<p>WDWWZ / Principal electoral committee of the municipality of Dinkelland</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 28 January 2010, case no. 201000824/1</p>	G 5, D 9	<p>The appeal is against the decision by the principal electoral committee declaring the lists of candidates and the names mentioned in it, valid.</p>	<p>The appeal was disallowed because the court fee had not been paid.</p>
<p>Appellant / Principal electoral committee of the urban district council Zuidoost of the municipality of Amsterdam.</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 28 January 2010, case no. 201000884/1</p>	I 5	<p>The Appellant argued that the principal electoral committee had been wrong in declaring the D66-OZO list of candidates for the election to the urban district council Zuidoost valid. He put forward that he and his wife had been put on the list of candidates after having been elected by the members' meeting of D66, Zuidoost division, but had been deleted from it by the chairman of that division previous to the submission of the list of candidates. The Appellant argued that this was contrary to Section 4 of the Constitution, Section 25 of the ICCPR and Section 3 of Protocol no. 1 of the ECHR.</p>	<p>Referring to earlier case law, the Division held that Section 15 of the Elections Act is an exhaustive list of grounds for declaring a list of candidates invalid. Entirely in accordance with Section 4 of the Constitution, which is in line with Section 25 of the ICCPR and Section 3 of Protocol no. 1 of the ECHR, the Elections Act provides no basis for testing a list of candidates against any other requirements than the formal requirements made by the Elections Act.</p>

Authority and date	Section (Elections Act)	Description	Decision
<p>Principal electoral committee of the municipality of Assen / Vereniging Pro Assen</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 29 January 2010, case no. 201001012/1</p>	<p>I 4, I 7</p>	<p>The Assen principal electoral committee appealed against its own decision to declare the list of candidates submitted by the Vereniging Pro Assen valid. The appeal was based on the consideration that this association is no longer an association with full legal capacity and that it therefore should not have been allowed to put an appellation at the top of the list of candidates, and that therefore the list of candidates was incorrectly declared valid. The Assen principal electoral committee appealed against its own decision because it thought that, in view of the strict time limits in the Elections Act, it had no power to withdraw or change the decision.</p>	<p>The Division held that the possibility for interested parties to appeal against the decisions by administrative bodies was created to provide legal protection against government action. This remedy was not created in order to offer an administrative body the possibility to cancel a decision taken by itself, even if it thinks that it is not authorized to revoke or modify this decision itself. The Division has not dealt with the question as to whether in this case the authority to revoke or modify the decision challenged in the appeal, is absent. The Division judged that the principal electoral committee is not an concerned party to its own decision within the meaning of Section I 7, first paragraph of the Elections Act in conjunction with Section 1:2, second paragraph of the General Administrative Law Act, and dismissed the appeal.</p>
<p>Principal electoral committee of the municipality of Goirle / Vereniging Sociaal Collectief Goirle-Riel</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 29 January 2010, case no. 201001005/1</p>	<p>I 4, I 7</p>	<p>The Goirle principal electoral committee appealed against its own decision to declare the lists of candidates submitted by both the association Sociaal Collectief Goirle-Riel and the political grouping 'Lijst Couwenberg' for the elections to the Goirle municipal council valid. The appeal was based on the consideration that the lists of candidates were incorrectly declared valid and that the principal electoral committee had no power to withdraw or change the decision.</p>	<p>The Division held that the possibility for concerned parties to appeal against the decisions by administrative bodies was created to provide legal protection against government action. This remedy was not created in order to offer an administrative body the possibility to cancel a decision taken by itself, even if it thinks that it is not authorized to revoke or modify this decision itself. The Division has not dealt with the question as to whether in this case the authority to revoke or modify the decision challenged in the appeal, is absent. The Division judged that the principal electoral committee is not an concerned party to its own decision within the meaning of Section I 7, first paragraph of the Elections Act in conjunction with Section 1:2, second paragraph of the General Administrative Law Act, and disallowed the appeal.</p>

Authority and date	Section (Elections Act)	Description	Decision
<p>Vereniging Harenkarspel Voorruit and appellants / Principal electoral committee of the municipality of Harenkarspel</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 29 January 2010, case no. 201000993/1</p>	<p>I 4, I 7</p>	<p>The appeals were made against the decision by the Harenkarspel principal electoral committee to declare the list of candidates of the political grouping 'Harenkarspel Voorruit' invalid, because it was allegedly not submitted to the chairman of the principal electoral committee or the member appointed by him on the day of nomination of candidates between 9:00 a.m. and 3:00 p.m. The Vereniging Harenkarspel Voorruit and the Appellants put forward that the failure to meet the deadline was excusable.</p>	<p>The appeal was dismissed. The Division held that there is no basis for the view that the person submitting the list of candidates was in the town hall in time and, through no fault of his own, was subsequently not able to submit the list of candidates in time. The Division holds that the failure to meet the deadline is not excusable.</p>
<p>Appellant/ Principal electoral committee of the municipality of Amsterdam</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 1 February 2010, case no. 201001022/1</p>	<p>I 4, I 7</p>	<p>The appeal is made against the principal electoral committee's decision to delete the name 'Hamburger' from the name by which the appellant is known from the list of candidates of the Partij voor Mens en Spirit.</p>	<p>The appeal was disallowed because it was not lodged within the stipulated time. The circumstances adduced by the Appellant gave the Division no reason to judge that the failure to meet the deadline was excusable.</p>
<p>Appellant / Principal electoral committee of the municipality of Utrecht.</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 1 February 2010, case no. 201001019/1</p>	<p>G5, D 9</p>	<p>The Appellant put forward that the principal electoral committee had incorrectly not qualified a letter from her, which she submitted on 19 January 2010, as a list of candidates and had therefore not given her an opportunity to correct omissions.</p>	<p>At the start of the hearing, it was ascertained that the Appellant had not paid the court fee. As no facts or circumstances emerged on the basis of which it could reasonably be determined that the Appellant had defaulted, the appeal was dismissed.</p>

Authority and date	Section (Elections Act)	Description	Decision
<p>Appellant/ Principal electoral committee of the municipality of Ermelo</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 1 February 2010, case no. 201000820.1</p>	<p>H 1, H 2, H 8, I 1, I 4, I 7</p>	<p>The Appellant argued that the principal electoral committee was wrong in not declaring the lists of candidates of the VVD, GDU, CDA, ChristenUnie and Gemeentebelangen invalid.</p>	<p>The Division held that the Appellant's plea that the lists of candidates of the VVD, GDU, CDA, ChristenUnie and Gemeentebelangen should have been declared invalid, must be rejected.</p> <p>The Division held that there was no basis for the view that the principal electoral committee had incorrectly maintained the relevant candidates and the appellation VVD.</p>
<p>Socialistische Partij / Principal electoral committee of the municipality of Skarsterlân</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 11 February 2010, case no. 201001445/1</p>	<p>I 4, I 7</p>	<p>The political grouping Socialistische Partij appealed against the decision by the Skarsterlân principal electoral committee to declare a list of candidates with the appellation SP (Socialistische Partij) valid. Although the appeal was not lodged in time, the political grouping argued that the failure to meet the deadline was excusable, because it was not aware of the principal electoral committee's decision to declare a list of candidates valid that had the appellation SP (Socialistische Partij) without the political grouping's consent.</p>	<p>The Division held that the appeal was lodged unacceptably late, because it was not lodged until eleven days after the political grouping Socialistische Partij was informed about the principal electoral committee's decision. Therefore, the Division holds that it cannot be maintained that the political grouping had lodged an appeal as soon as possible. The appeal was dismissed for that reason.</p>
<p>Appellant / Mayor and aldermen of The Hague</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 3 June 2010, case no. 201005298/1</p>	<p>B 1, D 3</p>	<p>The appeal is against the 28 April 2010 decision by the Mayor and aldermen of The Hague to refuse the Appellant's request to be registered as a voter for the 9 June 2010 elections to the Lower House.</p>	<p>The appeal was disallowed. The Division held that the documents and the explanation given during the hearing showed that the Appellant had not proven his Dutch nationality by submitting a copy of his passport in time, i.e. before 28 April 2010. For that reason alone the Mayor and aldermen had correctly refused the request, according to the Division.</p>

Authority and date	Section (Elections Act)	Description	Decision
<p>Vereniging Democratisch Progressief Blok /The chairman of the principal electoral committee of the municipality of Echt- Susteren</p> <p>Decision by the Administrative Jurisdiction Division of the Council of State, 30 June 2010, case no. 201004081/1</p>	<p>V 4</p>	<p>The appeal is in respect of the actions of the mayor of Echt-Susteren in his capacity as chairman of the principal electoral committee in that municipality.</p>	<p>The Division declared that it lacks jurisdiction to take cognizance of the appeal. The Division judged that no complaints can be lodged with it in respect of the actions of the chairman of the principal electoral committee.</p>